

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

ANGEL MALDONADO,

Plaintiff,

-v-

11-CV-0717A(Sr)

**ANDREA EVANS, Chairwoman CEO,
New York State Division of Parole, BRIAN FISCHER,
Commissioner, New York State Department of
Correctional Services, DIANA SHERRY, Facility Parole Officer,**

Defendants.

DECISION AND ORDER

Plaintiff, Angel Maldonado, an inmate at the Erie County Correctional Facility, who has been granted permission to proceed *in forma pauperis* (Docket No. 3) and to file and amended complaint (Docket No. 16), has filed an amended complaint (Docket No. 27).

Accordingly, pursuant to 28 U.S.C. § 1915(d) and Fed.R.Civ.P. 4(c)(3), the Clerk of the Court is directed to cause the United States Marshals Service to serve the Summons and Amended Complaint and this Order upon defendant Diana Sherry, Facility Parole Officer, without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.¹

¹Pursuant to a Standing Order of Court, filed September 28, 2012, a defendant will have 60 days to file and serve an answer or other responsive pleading, see Fed.R.Civ.P. 12(a)-(b), if the defendant and/or the defendant's agent has returned an Acknowledgment of Receipt of Service by Mail Form within 30 days of receipt of the summons and complaint by mail pursuant to N.Y.C.P.L.R. § 312-a.

The Clerk of the Court is also directed to forward a copy of this Order by email to Michael Russo, Assistant Attorney General in Charge, Buffalo Regional Office <Michael.Russo@ag.ny.gov>.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the amended complaint.

SO ORDERED.

DATED: Buffalo, New York
October 22, 2012

s/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge